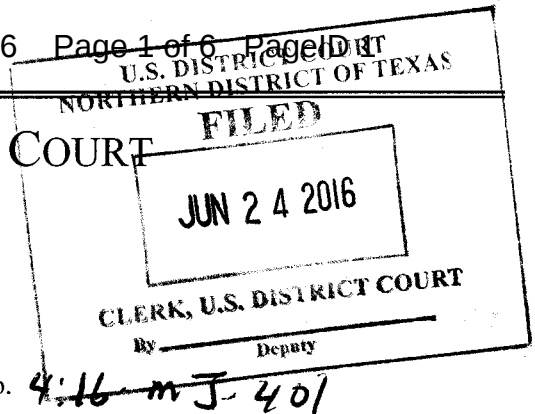


UNITED STATES DISTRICT COURT

for the  
Northern District of Texas



In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Records associated with Dropbox Account owner Mark  
Stutheit, which are stored on premises owned,  
maintained, or operated by Dropbox

Case No. 4:16-mj-401

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment "A"

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. §§ 2252 and 2252A

Possession, Receipt, and/or  
Distribution of Child Pornography

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Amanda Johnson, Special Agent, HSI  
Printed name and title

Sworn to before me and signed in my presence.

Date:

6/24/16

Judge's signature

United States Magistrate Judge Jeffrey L. Cureton  
Printed name and title

City and state: Fort Worth, Texas

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Special Agent, Amanda Johnson, of the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn under oath, do hereby depose and state:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since November 2007. As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. As a federal agent, I am authorized to investigate violations of the law of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is being made in support of an application for a search warrant for information associated with certain accounts that is stored at premises owned, maintained, controlled, or operated by Dropbox, a provider headquartered at 185 Berry Street, Suite 400, San Francisco, CA 94107. The information to be searched is described in the following paragraphs and in Attachment A. The affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Dropbox to disclose to the government records and other information in its possession pertaining to all subscriber or customer associated with or having access to the accounts, including the contents of communications.

4. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement agents. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of 18 U.S.C. §§, 2252, and 2252A, involving the use of a computer in or affecting interstate commerce to transport, receive, distribute, possess and/or access child pornography have been committed by Mark Stutheit. There is also probable cause to search the information described in Attachment A for evidence of these crimes or fruits and/or instrumentalities of these crimes, as described in Attachment B.

5. The purpose of this application is to seize evidence, more particularly described in Attachment B, of violations of 18 USC Sections 2252(a)(4)(B) and 2252A(a)(5)(B), which make it a crime to knowingly possess and access child pornography with intent to

view it; violations of 18 USC Sections 2252(a)(2) and 2252A(a)(2), which make it a crime to receive and distribute child pornography and violations of 18 USC Sections 2252(a)(1) and 2252A(a)(1), which make it a crime to transport any visual depiction of child pornography.

### **DEFINITIONS**

6. The following definitions apply to this Affidavit and Attachment B to this Affidavit:

7. “Child Pornography” includes the definition in 18 U.S.C. § 2256(8) (any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct).

8. “Minor” means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).

9. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).

10. “Internet Service Providers” or “ISPs” are commercial organizations which provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers, including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer various means by which to access the Internet including telephone based dial-up, broadband based access via a digital subscriber line (DSL) or cable television, dedicated circuits, or satellite based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, that the connection supports. Many ISPs assign each subscriber an account name such as a user name or screen name, an e-mail address, and an e-mail mailbox, and the subscriber typically creates a password for the account. By using a computer equipped with a telephone or cable modem, the subscriber can establish communication with an ISP over a telephone line or through a cable system, and can access the Internet by using his or her account name and password.

11. “Electronic Mail,” commonly referred to as e-mail (or e-mail), is a method of exchanging digital messages from an author to one or more recipients. Modern e-mail operates across the Internet or other computer networks. E-mail systems are based on a store-and-forward model: e-mail servers accept, forward, deliver, and store messages. Neither the users nor their computers are required to be online simultaneously; they need only connect briefly, typically to an e-mail server, for as long as it takes to send or receive messages.

An Internet e-mail message generally consists of three components, the message envelope, the message header, and the message body, but may include a fourth component, an attachment. E-mail attachments can include any type of digital file.

There are numerous methods of obtaining an e-mail account; some of these include e-mail accounts issued by an employer or school.

One of the most common methods of obtaining an e-mail account is through a free web-based e-mail provider such as, MSN, Yahoo, or Gmail. Anyone that has access to the Internet can generally obtain a free web-based e-mail account.

12. "Website" consists of textual pages of information and associated graphic images.

The textual information is stored in a specific format known as Hyper-Text Mark-up Language (HTML) and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol (HTTP).

13. The terms "records," "documents," and "materials," as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), mechanical form (including, but not limited to, phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (DVDs), Personal Digital Assistants (PDAs), Multi Media Cards (MMCs), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers,